

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

<b>DWIGHT N. RODGERS,</b>	)	
	)	
Plaintiff,	)	<b>Civil Action File</b>
	)	<b>No. 2:06-CV-1067 WKW</b>
vs.	)	
	)	
<b>CRACKER BARREL OLD</b>	)	
<b>COUNTRY STORE, INC.,</b>	)	
	)	
Defendant.	)	

**MOTION TO STRIKE DEFENDANT’S REQUEST FOR COSTS**

COMES NOW, Dwight N. Rodgers, Plaintiff and pursuant to Judge Watkins Final Judgment of January 28, 2008, requests this court strike Defendant’s Request for Costs. The Final Judgment states that the parties are to bear their own costs. The Defendant simply can not file for costs in direct opposition to Judge Watkins’ Final Judgment.

Plaintiff respectfully requests that this court Strike Defendant’s Bill of Costs in accordance with its previous Final Judgment.

Respectfully submitted,

/s/Monica A. York

Monica A. York  
State Bar No. 781153  
Attorney for Plaintiff

Attorneys Breedlove & Lassiter, LLP  
250 E. Ponce de Leon Avenue, Suite 425  
Decatur, Georgia 30030  
email: [myork@breedloveandlassiter.com](mailto:myork@breedloveandlassiter.com)

/s/Byron Perkins

Byron Perkins  
State Bar No. ASB - 0183 - N75B  
Attorney for Plaintiff

The Cochran Firm  
505 North 20<sup>th</sup> Street - Suite 825  
Birmingham, Alabama 35203

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Plaintiff,	)	<b>Civil Action File</b>
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vs.	)	
	)	
<b>CRACKER BARREL OLD</b>	)	Jury Trial Requested
<b>COUNTRY STORE, INC.,</b>	)	
	)	
Defendant.	)	

**ORDER**

Upon Plaintiff's Motion to Strike Defendant's Request for Costs and for good cause shown, it is hereby ORDERED and ADJUDGED that the Bill of Cost be DENIED in accordance with the January 28, 2008, Final Judgment.

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

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Judge, Keith Watkins  
United States District Court

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<b>COUNTRY STORE, INC.,</b>	)	
	)	
Defendant.	)	

**CERTIFICATE OF SERVICE**

I hereby certify that I have filed the foregoing ***Motion to Strike Defendant's Request for Costs and Order*** with the Clerk of Court by using CM/ECF system which will send notification of such filing to the following CM/ECF counsel of record:

Ashley Hattaway, Esq.  
Jennifer Busby, Esq.  
Burr & Forman, LLP  
2100 Wachovia Tower  
420 North 20<sup>th</sup> Street  
Birmingham, AL 35203

Respectfully submitted,

/s/Monica A. York \_\_\_\_\_

Monica A. York  
State Bar No. 781153  
Attorney for Plaintiff

Attorneys Breedlove & Lassiter, LLP

250 E. Ponce de Leon Avenue, Suite 425  
Decatur, Georgia 30030  
email: [myork@breedloveandlassiter.com](mailto:myork@breedloveandlassiter.com)

/s/Byron Perkins  
Byron Perkins  
State Bar No. ASB - 0183 - N75B  
Attorney for Plaintiff

The Cochran Firm  
505 North 20<sup>th</sup> Street - Suite 825  
Birmingham, Alabama 35203  
email: [Bperkins@CochranFirm.com](mailto:Bperkins@CochranFirm.com)